IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7893 of 2005

Between:

K.Balakrishna, s/o Peddaiah,
O/o Depot Manager, APSRTC, Vakadu Depot, Nellore District.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Vakadu Depot, Vakadu, Nellore District.
2 The Regional Manager, APSRTC, Nellore Region, Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order, or direction, more particularly one in nature of writ of CERTIORARI calling for records pertaining to Impugned Order No.M1/E1/785(1)/97-VKD, dt.15-02-2005 on the file of 1st respondent and quash the same as bad in law and contrary to the directions given in W.P.No.9852 of 1997 dt.14-12-2004 and consequently direct the respondents to allow the petitioner to continue as Depot Clerk (Oils) under the 1st respondent without any hindrance whatsoever, in the interest of justice.

Counsel for the Petitioner:MR.B.SUDHAKAR REDDY & ASSOCIATES

Counsel for the Respondent Nos.1 and 2: MR.R.MANMADHA REDDY

The Court at the admission stage made the following O R D E R:

The petitioner filed this writ petition to quash the impugned proceedings dated 15.02.2005 and to direct the respondents to allow the petitioner to continue as Depot Clerk (Oils) under the first respondent.

Through the impugned proceedings dated 15.02.2005, as per the instructions of Regional Manager, Nellore, the first respondent has withdrawn the petitioner from out of his designation at Depot Clerk (Oils) Section. Hence this writ petition.

Learned counsel for the petitioner contended that though the petitioner was appointed as driver in the respondent-Corporation, on medical grounds, for the last ten years his services were being utilized as Depot Clerk (Oils) and, therefore, he may be continued in the same post.

Learned counsel for the respondents contended that by virtue of the interim orders granted by this Court, he was continued as Depot Clerk (Oils) and since there was dearth of drivers in the respondent-Corporation, the impugned proceedings have been passed. Therefore, the impugned proceedings do not suffer from any illegalities or infirmities so as to call for interference of this Court.

The petitioner was initially appointed as driver on 01.08.1991 at Guddur Bus Depot, but his services were utilized as Assistant Depot Clerk in Vakadu Bus Depot. Thereafter, when the petitioner was asked to go on line in the year 1997, he filed W.P.No.9852 of 1997 seeking a direction to continue him as Typist. This Court granted interim orders directing to continue the petitioner as Assistant Depot Clerk. Thereafter, interim orders were made absolute. This Court, by order dated 14.12.2004, disposed of the writ petition directing the

respondents therein to consider the case of the petitioner in more pragmatic manner in regard to the entitlement to any of the posts subject to the qualifications required under the regulations. Now, the impugned proceedings have been issued. The petitioner challenges the same through this writ petition.

The petitioner has no right to ask for a particular post or seek a direction to utilize his services as Depot Clerk. The respondents have to take appropriate decision. Simply because, he was continuing as Depot Clerk, it does not confer any right to continue the petitioner as Assistant Depot Clerk. When the petitioner was directed to go on line, he filed the writ petition and obtained interim directions to continue him as Assistant Depot Clerk and he cannot state that the respondents have utilized his services as Assistant Depot Clerk. Therefore, petitioner cannot challenge the same. If the petitioner, on medical grounds, is unable to continue as driver, the respondents have to take appropriate decision.

Therefore, the writ petition is devoid of merits and is dismissed at the stage of admission. However, this order will not preclude the respondents from taking decision on the medical reports received from the petitioner. No costs.

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(K.C.BHANU,J)

Dt:11th April, 2005

usd

To

1 The Depot Manager, APSRTC, Vakadu Depot, Vakadu, Nellore District.
2 The Regional Manager, APSRTC, Nellore Region, Nellore District.

3 2 CD copies

4 1 CC to MR.NAGENDRA REDDY

5 1 CC to MR.SUDHAKAR REDDY & ASSOCIATES

*Form-NIC-OGS/WP{**RS**}*